GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4557
ANSWERED ON:08.05.2007
LEGAL REFORMS
Saradgi Shri Iqbal Ahmed

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has pointed out recently that the Government has made an amendment to the Code of Criminal Procedure (Section 164A) but has not provided proper infrastructure before implementing legal reforms across the country;

(b) if so, whether under Section 164A, the police is likely to get the statement of the witness recorded before .a magistrate to prevent any witnesses from turning hostile later;

(c) if so, whether the Government has considered the view of the Supreme Court on this issue; and

(d) if so, the steps being taken to allocate more courts and personnel before implementing legal reforms in the country?

Answer

MINISTER OF ST ATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY)

(a): Information is being collected and will be laid on the Table of the House.

(b) to (c): The Code of Criminal Procedure (Amendment) Bill, 2006 introduced in the Rajya Sabha on 23rd August, 2006 has inter alia a proposal to insert Section 164B Cr. P.C. to require any police officer not below the rank of the Sub-Inspector, in the course; or investigation of any offence punishable with death or imprisonment for 10 years or more, to produce all persons whose statements appears to him to be material and essential for proper investigation of the case, to the nearest Metropolitan Magistrate or Judicial Magistrate as the case may be, for recording their statements.

The Chairman of the Rajya Sabha has referred the Bill to the Parliamentary Standing Committee on Home Affairs for their examination and report. Their report is still awaited.

The Supreme Court in connection with the Writ Petition (Criminal) No.1 of 2005- Country First Vs. Union of India & ors. has sought certain clarifications/statistics in connection with the proposed insertion of Section 164 B of Cr.P.C. No orders have been passed by the Supreme Court in the case. The next date of listing is 23.7.2007.

(d): Administration of justice is a state subject. Any increase in courts etc. is to be effected by respective State Governments in consultation with the concerned High Court.